

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed November 26, 2003. Claims 1 and 4 are cancelled and claims 2, 3, 5-7 and 13 are amended. Claims 2-3, and 5-13 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. Amended Drawings

The Examiner objects to Figure 1 on the grounds that the figure should be designated by a legend such as –Prior Art—because only that which is old is illustrated.

In response, Applicants propose that the drawing be amended in the manner suggested by the Examiner and that the legend "FIG. 1" currently used on the drawing be replaced with the legend: "FIG. 1 (PRIOR ART)". New formal drawings including this change will be submitted by the Applicants.

II. Amendment To The Title

The Examiner objects to the title as being non-descriptive, and that a new title that is clearly indicative of the invention to which the claims are directed should be submitted. In response, Applicants note that each of the pending claims are explicitly directed to "an optical transistor" or to a "method for an optical transistor." As such, it is believed that the current title - OPTICAL TRANSISTOR AND METHOD THEREOF - is in fact descriptive of what is being claimed and withdrawal of this objection is respectfully requested.

III. Allowed Subject Matter

Applicants note with appreciation that the Examiner has allowed claims 8-12 in paragraph 8 of the Office Action (that paragraph actually indicates that claims 8-13 are allowed, but it is believed that the intention of the Examiner was to allow claims 8-12).

In addition, the Examiner noted that claims 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

In response, Applicants have rewritten dependent claim 5 in independent format. As such, and as acknowledged by the Examiner, that claim is now believed to be in a condition for allowance. In that regard, it is noted that claim 5 has not been amended so as to overcome any prior art rejections, nor has it been narrowed in view of the prior art. The claim has been merely re-written in an independent form. Moreover, each of the claims now depending from claim 5 are also now in a condition for allowance, including claims 2-3 and 5-7, and allowance of each of those claims is respectfully requested.

Moreover, Applicants have amended independent claim 13 in a manner so as to incorporate the subject matter of dependent claim 7. As noted by the Examiner, it is believed that this claim, as amended, is directed to subject matter not taught by the prior art, and its allowance is respectfully requested.

Finally, remaining claims 1 and 4 are cancelled without prejudice, and thus any other pending rejections are rendered moot.

CONCLUSION

In light of the Amendments and the arguments set forth above, Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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